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STEVEN T. HENESY
Partner
(516) 357-3308
Steven.henesy@rivkin.com

926 RXR Plaza
Uniondale, NY 11556-0926
T 516.357.3000 F 516.357.3333

May 18, 2022

By ECF

Honorable Sanket J. Bulsara
United States Magistrate-Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Government Employees Insurance Company, et al. v. Zaitsev, M.D. et al.
Docket No. 20-cv-03495-FB-SJB

Dear Judge Bulsara:

On behalf of Plaintiffs, and pursuant to Local Civil Rule 37.3 and the Court's Individual Practices, we write to seek an Order compelling Defendant Stella Amanze, P.A. ("Amanze") to appear for a deposition in this action. Amanze's deposition was originally noticed and scheduled for May 2021. However, Plaintiffs and counsel for Amanze agreed to a series of rescheduled dates. With fact discovery set to close today, Amanze is the only remaining Defendant in this action who has not appeared for a deposition.

Over the past several weeks, Plaintiffs repeatedly sought from Amanze's counsel dates on which she would be available to appear for a deposition before the close of fact discovery. After several inquiries, Amanze's counsel indicated that Amanze would appear for her deposition on Friday, May 13, 2022. Based on this representation, Plaintiffs arranged for a virtual deposition and scheduled a court reporter to appear. However, late in the afternoon, on Thursday, May 12, 2022, counsel for Amanze notified Plaintiff that Amanze no longer was available to appear the next morning, and that her deposition would need to be moved to Monday, May 16, 2022. Based on this representation, Plaintiffs rescheduled the virtual deposition and court reporter for May 16, 2022. However, on May 16, 2022, though counsel for both Amanze and Plaintiffs appeared for the deposition, Amanze failed to appear.

Following Amanze's failure to appear, Plaintiffs' counsel again sought new dates for the deposition. Initially, Amanze's counsel indicated that, pending confirmation with Amanze, the deposition would proceed on Friday, May 20, 2022. Based on that representation, Plaintiffs' counsel emailed counsel for Amanze indicating that they would agree to that rescheduled date and stipulate to take the deposition two days after the current fact discovery deadline. However, after several attempts to confirm the deposition, Plaintiffs were advised this morning that that counsel for Amanze was not able to confirm Amanze's availability to appear on May 20, 2022 for the deposition, and did not provide an alternative date for the deposition to proceed.

Because Plaintiffs have, despite their efforts, been unable to secure Amanze's deposition within the current discovery deadlines, Plaintiffs respectfully request an Order compelling Amanze to appear for her deposition on or before May 25, 2022 and granting Plaintiffs leave to take the deposition after the close of fact discovery.

We thank the Court for its time and continued attention to this matter.

Respectfully submitted,

RIVKIN RADLER LLP

/s/ Steven T. Henesy
Steven T. Henesy

cc: All counsel of record *via* ECF